

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NICHOLAS JAMES QUEEN, SR., #29623-037*

Petitioner

*

v.

*

Civil Action No. WMN-06-1094

UNITED STATES DISTRICT COURT

*

Respondent

*

MEMORANDUM

The court is in receipt of Petitioner's "Motion for Writ of Mandamus Relief" wherein wherein he complains that the undersigned has failed to rule on two motions he has filed in his criminal case. Paper No. 1. Petitioner has not paid the civil filing fee, nor sought leave to proceed in forma pauperis. Because it appears that Petitioner is indigent he shall, however, be granted leave to proceed in forma pauperis.

Upon review, it appears that this matter was docketed in error and is in fact a copy of the Petition for Mandamus Relief Petitioner filed in the Fourth Circuit Court of Appeals by Petitioner. *See In re Nicholas Queen*, No. 06-6778 (4th Cir. 2006). That matter was dismissed by the Court of Appeals on July 14, 2006. In light of the foregoing, the instant petition shall be dismissed without prejudice.

A separate Order follows.

/s/

August 10, 2002

Date

William M. Nickerson
United States District Judge

